

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May 1998

B e f o r e

THE HON'BLE MR. JUSTICE CHANDRASHEKARA IAH

W.P.No:26339/1997

BETWEEN:

M.Ramaswamy, s/o late M.  
Muniyappa, aged about 45 yrs.  
residing at No.1921/B, A Blcok,  
10th Main road, II Stage,  
Rajajinagar, Bangalore-10.

... Petitioner;

(By Sri.K.V.Jayachandrappa )

AND:

1.The Chief Executive Officer,  
Zilla Panchayat, Bangalore Rural  
District, Kempegowda Road,  
Bangalore-9.

2. The Secretary,  
Gram Panchayat, Doddabelavangala,  
Doddaballapur, Bangalore  
Rural Dist.

... Respondents;

(By Sri. K.Nagaraja, HCGP.,)

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Writ Petition is filed under Arts.226 and 227 of the Constitution praying to direct the 2nd respondent to effect katha in favour of the petitioner in respect of converted land bearing sy.No.154/1 measuring 100'x70' situate at Doddabelavangala village, Doddaballapur taluk as per Application Annexure-E.

This petition coming on for preliminary hearing in B group this day, the Court made the following:-

O R D E R

The petitioner is the owner of the land bearing survey No.154/1 measuring 100' x 70' situate at Doddabelavangala village, Doddaballapur taluk, Bangalore District. On the application filed by the petitioner the Assistant Commissioner passed an order to use the said land for non-agricultural purpose under Sec.95 of the Karnataka Land Revenue Act. Thereafter, the petitioner filed an application to the Gram Panchayath to effect katha in his name. The Gram Panchayath issued an endorsement stating that the land in question is required for the purpose of establishing a Bus stand, and the land will be acquired under the provisions of the L.A. Act and therefore katha cannot be changed in the name of the petitioner. This endorsement was challenged by the petitioner by way of an appeal before the Zilla Panchayath, Rural District. The Zilla Panchayath by order dated 27-3-1997 allowed the appeal and set aside the endorsement issued by the Gram Panchayath and directed the Gram Panchayat to effect katha in the name of the petitioner. In spite of this order, the Gram Panchayat has not taken any steps to effect katha in favour of the petitioner. Hence, the petitioner has filed this petition.

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2) If the land is required for the purpose of establishing a Bus stand, it is open for the State Government to acquire the same. Since, the land of the petitioner is yet to be acquired, there is no reason for the Gram Panchayat to issue the endorsement refusing to effect katha in his name. Further, the proposed acquisition ~~proceeding~~ <sup>is</sup> no bar for discharging statutory duty conferred <sup>the Authority or</sup> on ~~a~~ Officer under the Act. Therefore, there is no justification for the Gram Panchayath to refuse to effect katha in the name of the petitioner.

3) Accordingly, writ petition is allowed. Respondent No.2 is directed to effect katha in favour of the petitioner in respect of land bearing survey No.154/1 measuring 100' x 70' situate at Doddabelavangala village, Doddaballapur taluk, within three months from today.

Sd/-  
JUDGE

Hsf.

